

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 1, 2000

LB 43, 921, 1119, 1407

ASSISTANT CLERK: Thank you, Mr. President. I have amendments to be printed to LB 1119 for Senator Landis, and Health Committee reports LB 1407 to General File with committee amendments. That's all that I have. (Legislative Journal pages 867-872.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Mr. Clerk, next agenda item.

ASSISTANT CLERK: Next item, Mr. President, is LB 921. It's a bill that was introduced by Senator Brashear. (Read title.) Bill was read for the first time on January 5th of this year, referred to the Judiciary Committee. That committee reports the bill to General File with committee amendments attached.

SENATOR CUDABACK: Senator Brashear, you're recognized to open on LB 921, as Chairman of the Judiciary Committee.

SENATOR BRASHEAR: Thank you, Mr. President. Members of the body, LB 921 is a...one of the two priority bills of your Judiciary Committee. It is a follow-up to LB 43, which was an omnibus technical statutory correction and conformity bill which was passed in the last legislative session. LB 921 relates to various issues and topics and problems within the civil procedure statutes of the state of Nebraska. I'll cover them in six separate subjects. The first topic relates to the use of depositions and resolves an inconsistency between Nebraska's discovery rules and the hearsay statutes. Discovery rule 32 allows greater use of depositions of available witnesses than the statutes controlling the rules of evidence. Court opinions state generally that court discovery rules cannot expand the evidence statutes. LB 921 would clear up this inconsistency by revising the appropriate statutes and providing that discovery rules may allow for the admissibility of hearsay. Thus, if discovery rules provide for the admissibility of hearsay, depositions of available witnesses as an example, such provisions pursuant to statute would be proper. The second subject completes the process of defining the entry of judgment as the relevant time for the commencement of the time of appeal. In 1999, LB 43 amended the statute, the appropriate statute, to define entry of judgment as the relevant time for the commencement of the 30-day time for taking an appeal. That was